

HB 1149 -- DIVISION OF YOUTH SERVICES

SPONSOR: Lauer

COMMITTEE ACTION: Voted "Do Pass by Consent" by the Standing Committee on Children and Families by a vote of 12 to 0. Voted "Do Pass by Consent" by the Select Committee on Rules by a vote of 8 to 0.

This bill changes the law regarding the Division of Youth Services (DYS) within the Department of Social Services.

The bill defines "youth" as a person under 21 years of age committed to the custody of the division. Currently, an offender cannot be employed in a work project if the offender has been convicted of a violent crime or whose conduct while under the control of the division suggests a propensity toward violence. The bill removes this provision and requires that at such time as a youth is considered for participation in a work project, the division must assess the youth and consider history, risk, readiness, and victim impact prior to employment. For any work performed by a youth committed to the division in any state park, the state park board is authorized to pay wages from appropriations made to the state park board. The bill permits the division to:

(1) Establish and offer on-the-job vocational training to develop work habits and equip youth committed to the division with marketable skills; and

(2) Provide for the payment of reasonable wages for work or tasks performed by a youth committed to the division. All payments made to or on behalf of the youth must be property of the youth, however the division may place restrictions on the youth's access to the funds as the division determines appropriate, in the best interests of the youth, and to assure security in the division's facilities. All funds paid to or on behalf of the youth in accordance with this subsection must be deposited in the DYS trust fund.

The bill creates a special class of trust funds to be known as the "DYS Trust Fund" for depositing wages earned by a youth or for other funds provided for the use or benefit of the youth. These funds will be established for each facility where youth are located in the custody of the division throughout the state and the division must deposit money in a DYS trust fund with a financial institution. Any funds not expended by or on behalf of the youth before the youth's release from DYS residential care must be paid to the youth upon release from DYS residential care. The division must establish by regulation a program for youth to access funds for reasonable purposes while the youth is in DYS residential care

and the program must include training for youth on wise money management, maintaining personal financial accounts, and saving money for use after discharge from DYS residential care.

The bill also creates a special trust fund to be known as the "DYS Child Benefits Fund" within the state treasury for depositing of payments from the Social Security Administration to youth in DYS custody. Moneys in this special trust fund must not be deemed to be state funds and must be used only for the purposes specified by federal or state law, or regulation of the division. The state treasurer must be custodian of the fund and may approve disbursements from the fund. The state treasurer must invest moneys in the fund in the same manner as other funds are invested. Any funds not expended by or on behalf of the youth before release from DYS residential care must be distributed as required by federal law.

The division may accept an appointment to serve as representative payee or fiduciary, or in a similar capacity for payments to a youth and any money received by the division under this section on behalf of a youth must be deposited in either a DYS trust fund or the DYS Child Benefits Fund and accounted for in the name of the youth or as representative payee of the youth. The division may accept funds which a parent, guardian, or other person wishes to provide for the use or benefit of the youth. The funds must be deposited in a DYS Trust fund in the name of the youth at the DYS facility. Each youth must be furnished annually with a statement listing every transaction involving funds which have been deposited with the division on the youth's behalf, to include all receipts and disbursements.

The division must promptly disburse any balance of money accumulated in the youth's account when the youth is released from DYS residential care or upon death of the youth as specified in the bill. Moneys in the fund may be claimed as specified in the bill and moneys remaining unclaimed after five years must be credited to the state treasury as specified in the bill.

The bill prohibits moneys in either fund from being transferred to General Revenue Fund at the end of each biennium. The provisions of the bill must not be deemed to apply to funds regularly due the state of Missouri for the support and maintenance of youth in the care and custody of the division or collected by the state of Missouri as reimbursement for state funds expended on behalf of the youth.

PROPOSERS: Supporters say that the bill clears things up for youth currently in the custody of the Division of Youth Services. Currently if a youth in the custody of the division receives money,

the money goes into a fund and is held by an employee of the division. The goal of the bill is to add protection for both employees and the youth to whom the money belongs. The bill addresses a current need identified by the division. When a youth is receiving money and is in the custody of the division, he or she is usually housed in a secure facility so he or she cannot have cash. The division needs a way to keep the money safe and in a specially allocated area to be held for the youth. Testifying for the bill were Representative Lauer and the Department of Social Services.

OPPONENTS: There was no opposition voiced to the committee.